

EXHIBIT C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

JAMES HULCE, et al.,

Plaintiff,

v.

ZIPONGO, INC. d/b/a FOODSMART,

Defendant.

Case No. 2:23-cv-00159-LA

DECLARATION OF RICHARD HAMILTON

I, Richard Hamilton, declare under the penalty of perjury as follows.

1. My name is Richard Hamilton. I am over the age of 18 and am competent to provide this declaration.

2. I am the Director of Compliance for Quality Contact Solutions (“QCS”), and as such I am familiar with QCS’s business model and practices.

3. The information contained herein is based on my personal knowledge along with my review of the business records, policies, and/or electronic databases and reports generated and maintained by QCS in the ordinary course of its regularly conducted business and made at or near the time by, or from information transmitted by, someone with knowledge. I routinely view, search, and interpret those records while performing my job duties. If called and sworn as a witness, I could and would competently testify to the matters discussed herein.

4. QCS contracts with Zipongo, Inc. d/b/a Foodsmart to place calls on its behalf to Chorus Community Health Plan (“CCHP”) members.

5. As illustrated in the call script below, at the start of every outbound call, members are informed that the services are being offered to them for free through their healthcare provider:

Hi [Firstname], this is [AGENT]. I'm calling on behalf of [Q15] and Foodsmart to get you scheduled for your visit with a Registered Dietitian that CCHP has paid for, for you as part of your ForwardHealth membership. The other awesome part is you can earn [INFO11] just for showing up. Have you heard of this program yet? I can be super brief.

If no

It's a super cool program that's done over phone or video - one registered dietitian taught my friend how to get off their cholesterol medications and another one was able to reduce their insulin while saving \$30 each week on groceries. I even have a friend who wasn't sleeping well and her dietitian helped him find foods that improved her sleep. Do you or your family have anything like that you could use help with? (Pause for answer)

Spots are running out for phone or video appointments because this program is so popular and it's free - I wanted to try to squeeze you in before I call the next person on my list, which day is best for you next week? (Check calendar for available appointment days/times and enter the required information)

6. If an individual who isn't a CCHP member received an outbound call from QCS by mistake (which could occur for numerous reasons, including because the eligibility file had not yet been updated after an individual who previously was a member changed insurance plans), upon learning that they weren't a CCHP member, and thus ineligible for the program, the QCS representative would terminate the call and would note in the call record disposition that the identified call recipient was not a CCHP member.

7. If an individual who was a CCHP member requested not to be contacted further about Foodsmart's services, that individual would be placed on an internal do-not-contact list that would be provided to Foodsmart. Foodsmart required this and did not permit QCS to call any members who had requested not to be contacted further.

8. Because QCS only calls CCHP members to inform them of free services provided to them through their healthcare plans, QCS does not have the ability to even collect payment from

consumers. As such, in no circumstances would a QCS representative ever attempt to sell a consumer anything on any of QCS's calls to CCHP members.

9. I have reviewed QCS's call records (which were kept by QCS in the ordinary course of business and are attached hereto as Exhibit 1) and they reflect two live call conversations with James Hulce, who I understand is the Plaintiff in this case. The call record disposition shows that he was not interested in Foodsmart's products and/or services at the time he received those calls, but he did not request to be placed on the do-not-contact list. The remaining seven calls to Mr. Hulce did not result in a live connection.

10. Neither I, and to the best of my knowledge, no other QCS agents, employees, operators, owners, shareholders or affiliates, ever received a copy of the November 2022 grievance that Mr. Hulce, allegedly sent to CCHP.

11. QCS has an internal, written do-not-call policy that is available on demand.

12. QCS trains its employees on the existence and use of its do-not-call policy.

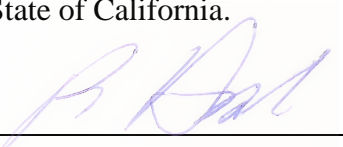
13. QCS honors all do-not-call requests received and transmits them to the applicable client.

14. QCS's policy is to maintain a record of all requests not to be contacted and honor those requests for at least 5 years from the time the request is made.

15. QCS identifies, on each call, the name of the individual caller making the call, that the call is being made on behalf of Foodsmart, and if requested it provides the telephone number and address at which the person or entity may be contacted. Caller ID also accurately displays the call back number to call QCS back, so if someone receives QCS's call on a smartphone, QCS's telephone number will always be identified to them, even before they pick up the call.

16. I declare under penalty of perjury that the foregoing is true and correct under the laws of the United States of America.

Executed this 7 day of November 2023 in the State of California.



Richard Hamilton
Director of Compliance - QCS

EXHIBIT 1

Disposition	Description	State	TalkTime	Calldate	Program	Phone	CallType	Call Type
	58 Max Attempt	WI	17	1/5/2023	CCHP Holiday	2622936292	OUTBOUND	PEWC
	33 Voicemail/Callback	WI	45	1/4/2023	CCHP Holiday	2622936292	OUTBOUND	PEWC
	33 Voicemail/Callback	WI	42	1/3/2023	CCHP Holiday	2622936292	OUTBOUND	PEWC
	40 Disconnected Number	WI	6	6/9/2022	CCHP Grocery Incentive	2622936292	Outbound	PEWC
AM	Answering Machine	WI	6	6/7/2022	CCHP Grocery Incentive	2622936292	Outbound	PEWC
	33 Voicemail/Callback	WI	26	6/4/2022	CCHP Grocery Incentive	2622936292	Outbound	PEWC
NA	No Answer	WI	14	5/17/2022	CCHP Grocery Incentive	2622936292	Outbound	PEWC
	22 Not interested - other	WI	51	2/9/2022	CCHP	2622936292	Outbound	PEWC
	22 Not interested - other	WI	130	12/17/2021	CCHP	2622936292	Outbound	Current Member, no co-pay